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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELECTRONIC FRONTIER FOUNDATION,

Plaintiff,

v.

NATIONAL SECURITY AGENCY, OFFICE
OF THE DIRECTOR OF NATIONAL
INTELLIGENCE,

Defendants.

Case No.: 14-cv-03010-RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER] TO EXTEND BY FOUR
BUSINESS DAYS DEFENDANTS'
DEADLINE TO FILE THEIR REPLY
IN SUPPORT OF THEIR SUMMARY
JUDGMENT MOTION AND THEIR
OPPOSITION TO PLAINTIFF'S
CROSS-MOTION FOR SUMMARY
JUDGMENT**

Hon. Richard Seeborg

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 6-2, Defendants request and the parties, by and through undersigned counsel, have conferred and hereby stipulate to and respectfully request that (1) the Court extend the deadline by four business days to January 14 for Defendants to file their combined opposition to plaintiff's cross-motion for summary judgment and their reply in support of their motion for summary judgment; (2) the Court correspondingly extend by four business days to January 28 the deadline for Plaintiff's reply in support of its cross-motion for summary judgment; and (3) that the Court retain the February 18, 2016 hearing on these motions as currently calendared.

Defendants provide the following bases in support of their request:

1. On September 25, 2015, the parties submitted a stipulated request to set a briefing schedule for filing cross-motions for summary judgment. *See* ECF No. 30.

2. Thereafter, the Court adopted the parties' proposed schedule and set the following dates for briefing:

a. On or before October 30, 2015, defendants will file their motion for summary judgment.

b. On or before December 4, 2015, plaintiff will file its combined cross-motion for summary judgment and opposition to defendants' motion.

c. On or before January 8, 2016, defendants will file their combined opposition to plaintiff's motion and reply in support of their motion.

d. On or before January 22, 2016, plaintiff will file its reply in support of its motion.

See ECF No. 31.

3. Pursuant to this briefing schedule, Defendants filed their summary judgment motion on October 30, and Plaintiff filed its cross-motion for summary judgment and opposition to Defendants' motion on December 4, 2015. *See* ECF Nos. 32, 34.

1 4. Defendants need a four business-day extension of their current deadline from
2 January 8 to January 14 to complete their combined opposition to plaintiff's motion and reply in
3 support of their motion. Specifically, Defendants need this additional time to allow the equity
4 holders in the document at issue to consider the extent to which redactions in the document may be
5 lifted. That process was hampered by the unavailability of various officials during the recent
6 holiday period and made more difficult by the undersigned counsel's work on several other briefs
7 in other cases in December and in early January.

8 5. Defendants also seek a concomitant four business-day extension for Plaintiff's
9 current deadline for its reply in support of its motion for summary judgment from January 22 to
10 January 28.

11 6. Both parties request that the hearing date for these cross-motions remain on
12 February 18, 2016.

13 DATED: January 6, 2015

Respectfully submitted,

14
15 BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

16 MELINDA HAAG
17 United States Attorney

18 ELIZABETH J. SHAPIRO
Deputy Branch Director

19 /s/ Rodney Patton
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/s/ Andrew Crocker

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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Rodney Patton, hereby attest that I obtained the concurrence of Andrew Crocker, counsel for the Plaintiff, Electronic Frontier Foundation, in the filing of this document.

/s/ Rodney Patton

RODNEY PATTON

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PURSUANT TO STIPULATION, it is hereby ORDERED that

1. The current deadline of January 8 for Defendants to file their combined opposition to Plaintiff's motion and reply in support of their motion is hereby extended by four business days and is now due on January 14, 2016.
2. The current deadline of January 22 for Plaintiff to file its reply in support of its motion for summary judgment is hereby extended by four business days to January 28, 2016.
3. The current hearing date for these cross-motions remains as currently scheduled on February 18, 2016.

AND IT IS SO ORDERED.

Dated: 1/7/16


HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE